REMARKS

Applicant is in receipt of the Office Action mailed November 28, 2006. Reconsideration of the case is earnestly requested in light of the following remarks.

Objections to the Abstract and Specification

The abstract was objected to because it exceeded 150 words in length. Applicant has amended the abstract so that it is less than 150 words.

Applicant has also amended the phrase on line 2 of p. 16 to read, "plugged into an I/O slot," instead of, "plugged in to an I/O slot," as requested by the Examiner.

The Examiner also noted that the specification lists trademarked items and that the items should be capitalized and accompanied by generic terminology. Applicant respectfully submits that the trademarked items are capitalized and accompanied by generic terminology, where appropriate.

Objections to the Claims

The Examiner objected to claims 3 and 14 due to minor informalities. Applicant has amended claims 3 and 14 to overcome these objections.

Section 112 Rejections

Claims 1-23 and 26-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicant respectfully disagrees with these rejections, Applicant submits that the claim amendments render the Section 112 rejection moot and respectfully requests removal of these rejections.

Section 101 Rejections

Claims 1-25 and 28-30 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, these claims recited a "carrier medium". The claims have been amended to instead recite, "a computer-readable memory medium".

Applicant respectfully submits that the amended claims are directed to statutory subject matter.

Claims 1-30 were rejected under 35 U.S.C. 102(e) as being anticipated by Molinari (U.S. Patent Application Publication No. 2003/0058280 A1, hereinafter "Molinari"). Applicant respectfully traverses these rejections.

Claim 1 recites in pertinent part, "automatically include the first parameter value in source code of a software program in response to the user input selecting the first parameter value." The Examiner asserts that this is taught by Molinari, stating:

> "see paragraph [0037] where [a]s the user places selected virtual instrument "panels" on the desktop and configures their properties…, an AIL file containing a description of the selected, created and defined aspects is simultaneously created, including, for each aspect, a description of its properties and connections [i.e., source code])."

However, regarding the AIL file, Molinari teaches at paragraph [0036] that:

> An important advantage of the present invention, and its use of "aspects" as software objects directly associated with executable code segments maintained in libraries, is that a measurement application created by a user of the invention may be fully represented in a brief text description of the chosen and configured aspects, and of their interconnections, **in lieu of pages of source code**. In particular, a user in creating an application program using the present invention, by using graphical tools to select and configure "panels" that represent software aspects, is simultaneously caused to create such a text file as the run time and distributable representation of the user's application. In embodiments described in the present specification, the format selected to represent and comprise user-designed programs is termed Aspect Interaction Language (AIL), an expression selected to reflect the nature of AIL as a form of program representation that is purely textual and descriptive, and that is not a programming language subject to being compiled into machine-executable code. However other textual representations of aspects descriptions and interconnections could readily be employed, for example using XML representation.

Thus, Molinari explicitly teaches that the AIL file is <u>not</u> source code as asserted by the Examiner.

Applicant thus respectfully submits that Molinari does not teach the above-recited feature of claim 1 for at least this reason, and thus, claim 1 is patentably distinct over Molinari. Inasmuch as the other independent claims recite similar limitations as the above-recited limitations of claim 1, Applicant respectfully submits that the other independent claims are also patentably distinct over Molinari.

Since the independent claims have been shown to be patentably distinct over Molinari, Applicant submits that the dependent claims are also patentably distinct, for at least this reason. Applicant also submits that numerous ones of the dependent claims recite further distinctions over Molinari. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-77600/JCH.

Also filed herewith are the following items:
☐ Request for Continued Examination
☐ Terminal Disclaimer
☐ Power of Attorney By Assignee and Revocation of Previous Powers
☐ Notice of Change of Address
☐ Other:

Respectfully submitted,

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